

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF MARCH 23, 2011
Recessed from regular meeting conducted on March 21, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on March 23, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Sheriff Toby Trowbridge

Absent:

Also in attendance:

Interim County Administrator & Zoning Administrator Brad Sellers
County Comptroller Quandice Green
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
State Aid and LSBP Engineer John Granberry
E911 Director Butch Hammack
County Purchase Clerk Hardy Crunk

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Supervisor D. I. Smith led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Redistricting and Re-apportionment of Supervisor
Districts - Adoption of New Supervisor District Lines***

WHEREAS, various changes and shifts in the county's population have occurred as reflected in the 2010 official decennial Census undertaken by the United States government in accordance with the enumeration clause of Article 2 of the Constitution of the United States, and

WHEREAS, because of population changes among the various Supervisors' Districts as reflected by data derived from said Census, the Board finds it necessary to alter and change the boundaries thereof to comply with the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters, and

WHEREAS, the Board of Supervisors has previously employed Central Mississippi Planning and Development District (CMPDD) as its consultant to assist in the altering and changing of the aforesaid districts to conform, as nearly as possible to the principle of "one man/one vote" as contemplated under the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 4 (3/23/11)

WHEREAS, on February 22, 2011, the Board conducted a public hearing to receive public input and answer questions concerning the mandated redistricting, and

WHEREAS, following the February 22, 2011 hearing CMPDD personnel received input on redrawing district lines from each Madison County Supervisor. CMPDD prepared three (3) draft redistricting plans for Supervisor districts and one (1) plan for Constable/Justice Court districts. Each of the plans, in its judgment, met the requirements of "one man/one vote" as contemplated under the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters. These plans were made available to Madison County residents on Madison County's website and in the Board Room on March 15, 2011. Public notice was given of the public hearing to be held by the Board of Supervisors to allow the Madison County residents to comment on the proposed plans. The plans were again presented to the Madison County Board of Supervisors and the general public during the public hearing held on March 21, 2011;

WHEREAS, on March 21, 2011 the Board conducted a final public hearing to receive public input and answer questions concerning the mandated redistricting and thereafter did close the public hearing and did recess the meeting for March 23, 2011, and

WHEREAS, said plans are depicted on the (3) certain and separate oversized maps affixed to backing-board and are of record and available for inspection in the office of the Madison County Chancery Clerk and are respectively denominated as "Plan 1;" "Plan 2" and "Plan 3" accordingly, and

WHEREAS, Mr. Bruce Reynolds of Central Mississippi Planning District appeared before the Board and answered questions posed by Supervisor D. I. Smith,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to redistrict and re-apportion Madison County as to Supervisors' Districts in accordance with the lines and map presented as "Plan 3." The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said redistricting and re-apportionment plan for Supervisors' Districts was and is hereby adopted.

SO ORDERED this the 23rd day of March, 2011.

In re: Redistricting and Re-apportionment of Justice Court Districts - Adoption of New Supervisor District Lines

WHEREAS, various changes and shifts in the county's population have occurred as reflected in the 2010 official decennial Census undertaken by the United States government in accordance with the enumeration clause of Article 2 of the Constitution of the United States, and

WHEREAS, because of population changes among the various Justice Court Districts as reflected by data derived from said Census, the Board finds it necessary to alter and change the boundaries thereof to comply with the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters, and

WHEREAS, the Board of Supervisors has previously employed Central Mississippi Planning and Development District (CMPDD) as its consultant to assist in the altering and changing of the aforesaid districts to conform, as nearly as possible to the principle of "one

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 2 of 4 (3/23/11)

man/one vote" as contemplated under the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters, and

WHEREAS, on February 22, 2011, the Board conducted a public hearing to receive public input and answer questions concerning the mandated redistricting, and

WHEREAS, on March 21, 2011 the Board conducted a final public hearing to receive public input and answer questions concerning the mandated redistricting and thereafter did close the public hearing and did recess the meeting for March 23, 2011, and

WHEREAS, prior to the aforesaid final public hearing, the Board, with the assistance of CMPDD formulated a plan which, in its judgment, met the requirements of "one man/one vote" as contemplated under the Voting Rights Act of 1965, as amended, and the various court decisions and other applicable laws governing these matters, and

WHEREAS, said plan is depicted on that certain separate oversized map affixed to backing-board and is of record and available for inspection in the office of the Madison County Chancery Clerk and is denominated as "Madison County Justice Court Proposed Districts," and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to redistrict and re-apportion Madison County as to Justice Court Districts in accordance with the lines and map presented as "Madison County Justice Court Proposed Districts." The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of the Board and said redistricting and re-apportionment plan for Justice Court Districts was and is hereby adopted.

SO ORDERED this the 23rd day of March, 2011.

In re: Proposed Re-alignment of Calhoun Station Phase 3

WHEREAS, on March 21, 2011 Mr. Fabian L. Hill appeared before the Board and presented a written request seeking to have the Board re-align the route of the proposed Calhoun Station Phase 3 so as to minimize the impact on his property and that of his family, and

WHEREAS, the Board considered said request as set forth in certain written materials and plat depictions, true and correct copies of which are attached hereto as Exhibit A, spread hereupon and incorporated herein by reference and may also be found in the Miscellaneous Appendix to the Minutes of March 21, 2011, and

WHEREAS, the Board questioned Mr. Hill as to his delay in responding to the county's efforts, dating back several years, to contact he and his family about acquisition of right of way and route location, and

WHEREAS, on March 21, 2011, County Engineer Rudy Warnock presented an estimate of the cost of such re-alignment and cautioned the Board that a new and updated environmental clearance would likely be required if the route were shifted at this late date, and that certain additional costs would be incurred from a design and construction engineering standpoint, and

WHEREAS, the Board Attorney advised that condemnation actions had already been filed and litigation instituted based on the route as originally designed, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 4 (3/23/11)

WHEREAS, Supervisor Karl M. Banks opined that a re-routing would have little to no effect on the total cost of the project in that Mr. Hill and his family had indicated a willingness to accept the values set by the county for the acquisition of the property necessary for the proposed realignment, and allow county officials immediate and full access to their property such purposes of the project, and

WHEREAS, State Aid and LSBP Engineer John Granberry, on behalf of County Engineer Rudy Warnock appeared before the Board and presented a revised estimate of costs indicating an increase of \$111,017.83 if Alternative A were selected and \$191,625.07 if Alternate B were selected,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the re-alignment of Calhoun Station Phase 3 in accordance with Alternate A as depicted on the aforesaid Exhibit A, and direct the County Engineer to proceed with the design and approval steps necessary to achieve such, conditioned upon Mr. Hill and his family members immediately allowing access to all areas needed by the County engineer to design and construct the project. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	No
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter did not garner a majority of the votes of the Board and therefore failed.

SO ORDERED this the 23rd day of March, 2011.

In re: Redistricting and Re-apportionment of Supervisor Districts

Following discussion, Mr. D. I. Smith offered a motion to withdraw from the lawsuit previously authorized to be filed in the United States District Court for the Southern District of Mississippi by action of this Board on February 22, 2011. The motion failed for lack of a second.

SO ORDERED this the 23rd day of March, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the March, 2011 term of the Madison County Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 4 of 4 (3/23/11)